



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,934	06/30/2000	Hiroshi Tanaka	0905-0239P-SP	8457

2292 7590 02/12/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,934

Applicant(s)

TANAKA, HIROSHI

Examiner

Pablo N Tran

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8-14 is/are rejected.
- 7) ☐ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Alperovich et al.* (6,317,609) in view of *Veijola et al.* (6,128,509).

As per claims 1, 3-4, 6, and 8-14, *Alperovich et al.* disclose an image communication system in which an image processor (see fig. 3/no. 300) and a portable telephone set (fig. 3/no. 20) can establish data communication with each other, image data representing an image being stored in said image processor, and a reading command to read out the image data being issued to the image processor from the portable telephone, wherein said image processor transmitting the stored image data to said portable telephone set in response to the reading command issued from said portable telephone, and wherein said portable telephone set comprises setting means for setting a destination of transmission of the image data, receiving the image data transmitted from said image processor, and a second transmission means for transmitting the received image data to the destination of transmission set by said setting means through a communication network (col. 4/ln. 21-59).

Alperovich et al. disclosed a detachably attached accessory device (i.e. digital camera) to the mobile telephone but do not specifically disclose the accessory device and mobile telephone comprise low power RF transceivers. *Veijola et al.* disclosed that the accessory device (i.e. digital camera) and the mobile telephone that each comprises low power RF transceivers (see fig. 1-3, col. 1/ln. 27-31, col. 5/ln. 17-29, col. 6/ln. 8-11). Therefore, it would have been obvious to one of ordinary skill in the art to provide the accessory device (i.e. digital camera) and the mobile telephone low power RF transceivers, as disclose in *Veijola et al.*, to the image telecommunication system of *Alperovich et al.* to provide a compact, light-weight image telecommunication system while providing such mobility to the user.

As per claim 2, the modified image telecommunication system of *Alperovich et al.* and *Veijola et al.* do not explicitly disclosed a radio frequency band between said image processor (i.e. digital camera) and said portable telephone set and a radio frequency band between said portable telephone set and said destination of communication differ from each other. However, it would have been obvious to one of ordinary skill in the art that low power RF transceivers frequency range (i.e. for short range communication, usually within a few hundred yards and depend on the communication system the frequency can range from 20-2kHz) are differs from the cellular frequency range (i.e. 900Mhz) in order to prevent transmission interference from each other.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Alperovich et al.* (6,317,609) in view of *Veijola et al.* (6,128,509) and further in view of *Schrock et al.* (6,128,446).

As per claim 5, as stated in claim 1, the modified image communication of *Alperovich et al.* and *Veijola et al.* do not specifically disclosed a list data representing a list of stored image data. *Schrock et al.* disclosed a list data representing a list of stored image data (see fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art to provide a list data representing a list of stored image data, as disclose in *Veijola et al.*, to the modified image communication of *Alperovich et al.* and *Veijola et al.* in order to allow the user to view the lists or sub-lists prior to selecting image(s).

Allowable Subject Matter

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allen et al. (5,737,491), Shiota et al. (56,337,712), Kleinschmidt et al. (6,085,112), Ausems et al. (6,434,403), Reitmaa et al. (6,424,843), Erkkila et al. (6,219,560), Carlson (6,374,082), Isberg et al. (6,201,975), Mattes (6,038,295), Tokoro (6,349,324) disclose image telecommunication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941.

Art Unit: 2684

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)308-6732.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PATENT EXAMINER

January 29, 2003



AU 2684